

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA

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CRIMINAL NO: 09-391

v.

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SECTION: "K"

**ROBERT JOHNSON
a/k/a "Bozo," "Clown"**

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FACTUAL BASIS

If this case were to proceed to trial, the United States would prove the following facts beyond a reasonable doubt:

In the beginning of 2009, agents of the Drug Enforcement Administration (DEA) began an investigation into the drug trafficking activities of WILLIAM STEVENSON and others in the Eastern District of Louisiana and elsewhere. On July 28, 2009, United States District Judge Ivan L.R. Lemelle signed an order authorizing the interception of wire communications over cellular telephone number (504) 402-9853 utilized by WILLIAM STEVENSON (hereinafter referred to as STEVENSON). Interception of wire communications to-and-from this telephone continued until August 16, 2009. Agents were also granted a federal search warrant for text messages sent to and from telephone number (504) 402-9853. Following the termination of the wire interception on STEVENSON's telephone, agents were granted authorization by United States District Judge Ivan L.R. Lemelle to intercept communications over cellular telephones (504)896-

0210 (utilized by MARK ROSS); (832) 724-9881 (utilized by LANDRY GRANDISON); (281) 302-9107 (utilized by CASSANDRA BATISTE and TROY POCHE); and (504) 281-7430 utilized by HOWARD LUMAR, JR. During the course of the investigation, agents learned that STEVENSON conspired with MARK ROSS, LANDRY GRANDISON, TROY POCHE, and CASSANDRA BATISTE to obtain wholesale supplies of heroin that he mixed with cutting agents and packaged for individual distribution to addicts. STEVENSON, through other dealers, sold heroin every day in 2009 to addicts frequenting the driveways of the B.W. Cooper housing development. Agents would testify that GRANDISON was one of STEVENSON's sources of supply for heroin. GRANDISON was revealed to be an associate of HOWARD LUMAR, DEWAYNE COOPER, and **ROBERT JOHNSON**.

Witnesses at trial would testify that although GRANDISON and **JOHNSON** were originally from New Orleans, in 2009 both lived in Houston, Texas where they were able to procure distributable quantities of heroin and cocaine hydrochloride for dealers in New Orleans. Witnesses at trial would testify that **JOHNSON** was supplying heroin and cocaine hydrochloride for GRANDISON, COOPER, and LUMAR.

On October 29, 2009, agents intercepted a series of text messages between GRANDISON and COOPER discussing cocaine that **JOHNSON** had for distribution. The following texts were exchanged:

GRANDISON: "95"

COOPER: "whats the jersey".

GRANDISON: "27"

COOPER: "Not bad when"

GRANDISON: "Its down there he claim"

COOPER: "Need 5 but if he let me do me I can do 10"

Testimony at trial would be offered to prove that "95" was code for cocaine hydrochloride. The term "95" referred to the year 1995 when COOPER was arrested on federal conspiracy charges stemming from cocaine distribution. COOPER was interested and asked "whats the jersey?" referring to a price. GRANDISON responded "27" which agents would testify meant \$27,000 for a kilogram. GRANDISON told COOPER that the source, later identified as **JOHNSON**, indicated he already had the cocaine and COOPER said he needed "5, but can do 10." Agents would testify that the "5" and "10" referenced kilogram quantities.

After these texts, that same day at 7:00 p.m., agents intercepted a call from GRANDISON to COOPER saying that he was going to call "him" because it did not make sense to keep texting. One minute later GRANDISON called **JOHNSON** and told him that "he just text me back." **JOHNSON** asked "who?" GRANDISON said "Coop, Super Coop." **JOHNSON** asked "what he said?" GRANDISON said "he really like everything." **JOHNSON** said "oh, I know what you saying, look I'm going to go do what I got to do." GRANDISON said, "I'm going to be home" and the conversation ended. Witnesses at trial would testify that GRANDISON was explaining to **JOHNSON** that COOPER wanted the cocaine that **JOHNSON** told GRANDISON he had in New Orleans.

COOPER called GRANDISON seven minutes later and wanted to know if GRANDISON talked to "him." GRANDISON said "yeah, for a second." COOPER asked "if there was a better jersey, if I was doing it like that?" Agents would testify that COOPER wanted

to know if he could get a better price if he purchased multiple kilograms. GRANDISON said he (**JOHNSON**) was going to come see him. A couple of hours later, **JOHNSON** called GRANDISON and said he would see him the next day and give the rest of “it” to GRANDISON then.

At approximately 10:00 p.m. that evening, GRANDISON called COOPER and exclaimed how he “had just run Jo-Jo out of here.” Joe was GRANDISON’s regular source of supply for heroin. GRANDISON said “Jo-Jo came over here just like the Cliz-own.” COOPER said “with some bullshit.” GRANDISON said “it was the same thing.” GRANDISON said “I knew it, I knew it, but I was trying not to think that way.” GRANDISON said “he came over with a relly and told me to take my time with it.” Witnesses and agents would testify that Joe had offered GRANDISON heroin that was of inferior quality. Witnesses would testify that **JOHNSON** had previously offered some heroin to GRANDISON that was also of inferior quality and that GRANDISON was conveying to COOPER that Joe’s and **JOHNSON**’s heroin were from the same source. At trial, witnesses would testify that during 2009 **JOHNSON** distributed over a half kilogram of heroin to GRANDISON.

JOHNSON was also intercepted on the DEA’s wire interception of LUMAR’s cellular telephone. LUMAR was revealed throughout the investigation to be a source of heroin supply for ROSS who was partners with STEVENSON in the procurement of heroin for distribution. In 2009, LUMAR purchased 9 ounce increments from **JOHNSON** which he would split with ROSS for subsequent cutting and distribution. On October 23, 2009, agents intercepted a series of calls between LUMAR and **JOHNSON** regarding a shipment of heroin that LUMAR anticipated to receive from **JOHNSON**. At trial, agents would testify that at 11:37 a.m. LUMAR

received a telephone call from **JOHNSON** during which **JOHNSON** said “auntie got sick and was told to go back to the crib.” According to **JOHNSON** his “uncle told his auntie to go back home because her phone was off for two hours.” LUMAR asked **JOHNSON** if he should “go give white boy his shit back.” **JOHNSON** confirmed LUMAR should do that. Witnesses would testify that **JOHNSON** told LUMAR in that call that the anticipated heroin was not going to arrive as planned and that he should give “white boy,” later identified as MARK ROSS, his money back. About twenty minutes later, agents intercepted a call between LUMAR and ROSS wherein they planned to meet. Witnesses at trial would testify that LUMAR gave ROSS his money back.

On November 7, 2009, at 10:25 a.m. agents intercepted a series of calls between **JOHNSON** and LUMAR which indicated that **JOHNSON** was in New Orleans to meet LUMAR at his residence at the Citrus Creek apartments located at 5317 Citrus Boulevard, River Ridge, Louisiana. In phone calls, LUMAR directed **JOHNSON** to his garage within the apartment complex, garage # 22. At the same time that agents were intercepting the telephone calls between **JOHNSON** and LUMAR, DEA agents had established surveillance at the location of LUMAR’s garage and saw LUMAR outside of the garage being approached by two males and **JOHNSON** coming from inside of LUMAR’s garage. Later that evening, calls between **JOHNSON** and LUMAR indicated that **JOHNSON** left LUMAR’s garage door open. **JOHNSON** said, “I just left from over there not too long ago.” LUMAR said the car was showing and everything. **JOHNSON** said “it must have opened when I put it in my pocket. I left a bag in there.” LUMAR said “yeah, the bag, the shoebox, the shit on the side of the car and everything, man.” **JOHNSON** said I made sure it was shut, when I put the thing in my pocket it

must have came back open.” LUMAR asked “you want me to bring the shoebox in?”

JOHNSON said “yeah.” Witnesses at trial would testify that **JOHNSON** had stored a car inside of LUMAR’s garage. In the car were kilograms of cocaine hydrochloride and a shoebox with approximately \$20,000. Because **JOHNSON** had accidentally caused the garage door to remain open, LUMAR called him and inquired if he wanted the shoebox to be brought inside LUMAR’s residence. **JOHNSON** admits that LUMAR bought approximately a half kilogram of the cocaine hydrochloride stashed in the car.

The government and the defendant agree and stipulate that the amount of narcotics that the defendant, **ROBERT JOHNSON**, was responsible for distributing and that it was reasonably foreseeable to him as being distributed by co-conspirators in this case is at least 10 kilograms but no more than 30 kilograms of heroin and at least 500 grams but not more than 5 kilograms of cocaine hydrochloride.

Read and Approved:

ROBERT JOHNSON (Date)
Defendant

PROVINO MOSCA (Date)
Defense Counsel for Robert Johnson

CLIF STOUTZ (Date)
Defense Counsel for Robert Johnson

EMILY K. GREENFIELD 28587 (Date)
Assistant United States Attorney

